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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,904	01/24/2001	Lap-Wai Chow	B-3964 618029-8	4228
36716	7590	07/15/2004	EXAMINER	
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			NGUYEN, JOSEPH H	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/768,904	CHOW ET AL.
	Examiner	Art Unit

  

Joseph Nguyen	2815	
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 18 June 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-20, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-8, 17 and 18 is/are allowed.
- 6) Claim(s) 9-16, 19 and 20 is/are rejected.
- 7) Claim(s) 23 and 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9-16, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al.

Regarding claim 9, Lee et al discloses on figure 8 a semiconductor device adapted to prevent and/or thwart reverse engineering comprising field oxide layer 33 disposed on a semiconductor substrate 31; a metal plug contact 42 disposed outside a contact region 38b and above said field oxide layer, wherein said metal plug contact is electrically isolated from said contact region; and a metal 43 connected to said metal plug contact 42.

Regarding claim 10, Lee et al discloses on figure 8 said semi-conducting device comprises integrated circuit.

Regarding claim 11, Lee et al discloses on figure 8 said field oxide layer 33 further comprises silicon oxide.

Regarding claim 12, Lee et al discloses on figure 8 said integrated circuits further comprise complementary metal oxide semiconductor integrated circuits and bipolar silicon based integrated circuits.

Regarding claim 13, Lee et al discloses on figure 8 a method for preventing and/or thwarting reverse engineering comprising steps of providing a field oxide layer 33 disposed on a semiconductor substrate 31; providing a metal plug contact 42 disposed outside a contact region 38 and above said field oxide layer 33, wherein said metal plug metal is electrically isolated from said contact region; and connecting a metal 43 to said metal plug contact 42.

Regarding claim 14, Lee et al discloses on figure 8 said semi-conducting device comprises integrated circuit.

Regarding claim 15, Lee et al discloses on figure 8 said filed oxide layer 33 further comprises silicon oxide.

Regarding claim 16, Lee et al discloses on figure 8 said integrated circuits further comprise complementary metal oxide semiconductor integrated circuits.

Regarding claim 19, Lee et al discloses on figure 8 said filed oxide layer 33 has an uppermost side, said metal plug contact 42 being deposited on said uppermost side of said field oxide layer.

Regarding claim 20, Lee et al discloses on figure 8 said filed oxide layer 33 has an uppermost side, said metal plug contact 42 being deposited on said uppermost side of said field oxide layer.

***Allowable Subject Matter***

Claims 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-8, 17-18 are allowed.

***Response to Arguments***

Applicant's arguments filed on 06/18/2004 have been fully considered but they are not persuasive.

With respect to claim 9, applicant argues that Lee does not teach a "semiconductor device adapted to prevent and/or thwart reverse engineering". However, it is merely a preamble. A preamble is generally not accorded any patentable weight where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone (MPEP, 2111.02). It is clear that the body of claim 1 herein does not depend on the preamble for completeness. As such its structural limitations are able to stand alone.

Further, applicant argues that Lee does not disclose a "metal plug contact disposed outside a contact region and above said field oxide layer, wherein said metal plug contact is electrically isolated from said contact region". However, Lee clearly discloses on figure 8 metal plug contact 42 disposed outside a contact region 38b and above said field oxide layer 33, wherein said metal plug contact 42 is electrically

isolated from said contact region 38b. It is clear metal plug contact 42 is only connected with gate electrode 35a and electrically isolated from said contact region 38b by the insulating layer 39. Therefore, Lee's reference reads on the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Nguyen whose telephone number is (571) 272-1734. The examiner can normally be reached on Monday-Friday, 7:30 am- 4:30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for

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regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JN  
July 8, 2004



ALLAN R. WILSON  
PRIMARY EXAMINER